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10/511,767	10/19/2004	Toni Kopra	KOLS.154US	6664

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 December 2007</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3,5-13,15-25 and 27</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-3,5-13,15-25 and 27</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>9/17/07,12/27/07</u>.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1, 2, 5-12, 15-25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sjoblom [US 2004/0049779] in view of Berezowski [US 2002/0056087].

Regarding claim1, Sjoblom discloses a method of interactive television. Sjoblom further

discloses a method for collecting information on an audience of a broadcast media stream,

characterized by:

-   connecting a radio telecommunication system and a broadcast system to perform a media

    system; See Fig. 1 where the broadcast system 1 is connected to the radio

    telecommunication system 7-9 and paragraphs 7-9

-   broadcasting a media stream on at least one broadcast channel of the broadcast system;

    see paragraphs 8,54,87-89

-   transmitting parallel information on at least one parallel channel which parallel

    information is associated and synchronized with the media stream of at least one

    broadcast channel; see paragraphs 9,23 paragraph 90, lines 1-6

-   connecting the audience to the media system as passive users or active users, the active

    users receiving the parallel information and the passive users not receiving the parallel

information; see paragraphs 79, 89, 90 where the active users are the users who are
participating in the interactive television and only those that are registers as users
participating in interactive television receive the parallel information from the
information server.

- collecting information on the audience connected to the media system, the information
  being on active users and/or passive users; see paragraphs 27,28,30,38,41,46,60

- processing the collected information in a predetermined way; see paragraphs 28, 42,47,60
  where the profile of the audience that is collected is processed in a way that the
  information server sends information specific to the user's location and/or user's
  demographics

However, Sjoblom does not disclose a method of showing the collected audience information on
the screen of a user terminal.

Berezowski, in the same field of endeavor, teaches a method of showing the collected audience
information on the screen of a user terminal. See paragraphs 8-12

Therefore it would have been obvious to one with ordinary skill in the art at the time the
invention was made to provide the above teaching of Berezowski of displaying the audience
information on the user terminal of Sjoblom in order to guide the user in selecting media.

Regarding claim 2, Sjoblom further discloses a method wherein the audience has an interactive
connection to the media stream system via an interactive menu shown on the screen of a user
terminal. See paragraphs 57, 62

Regarding claim 5, Sjoblom further discloses a method wherein templates for the interactive

menu or showing the collected information are ready-made, stored in a user terminal and being

modified according to the parallel information. See paragraphs 11, 16, 39-43. Here Sjoblom

discloses a method wherein a set of information pre-stored in the user's terminal is displayed and

later new set of information is sent to the user based on the information of the user such as

Regarding claim 6, Sjoblom further discloses a method wherein templates for the visual menu or

for displaying of the compiled information are transmitted as parallel information. See

paragraphs 57, 62

Regarding claim 7, Sjoblom further discloses a method wherein the information on the active

users is collected by using an interactive menu on the screen of a user terminal comprising

options to be selected and by using the parallel channel as a feedback channel for transmitting

the user selections. See paragraphs 39-43 wherein the location information is collected from the

audience and sent to the server as a feedback channel so that appropriate advertisement based on

the user's location can then be sent to the user. See also paragraph 61

Regarding claim 8, Sjoblom further discloses a method wherein the parallel information is

transmitted as a packet transmission. See paragraph 10 where GPRS is used for packet

transmission.

Regarding claim 9, Sjoblom further discloses a method wherein location information on the audience is collected. See paragraphs 38 and 60

Regarding claim 10, Sjoblom further discloses a method wherein collected information is used for searching for at least one of good times, geographical areas and/or modes for advertising. See paragraphs 38-43

Regarding claim 11, Sjoblom further discloses a media system for collecting information on the audience of a broadcast media stream comprising:

- means for broadcasting a media stream on at least one broadcast channel of the broadcast system, the broadcast system being part of the media system. See Fig. 1 where the broadcast system 1 is connected to the radio telecommunication system 7-9 and paragraphs 7-9 and paragraphs 54, 87-89

- means for transmitting parallel information on at least one parallel channel which parallel information is associated and synchronized with the media stream of at least one broadcasting channel using a radio telecommunication system of the media system; see paragraphs 9,23 paragraph 90, lines 1-6

- means for connecting the audience to the media system as passive users or active users, the active users receiving the parallel information and the passive users not receiving the parallel information; see paragraphs 79, 89, 90 where the active users are the users who are participating in the interactive television and only those that are registers as users

participating in interactive television receive the parallel information from the

information server.

- processing the collected information in a predetermined way; see paragraphs 28, 42,47,60

   where the profile of the audience that is collected is processed in a way that the

   information server sends information specific to the user's location and/or user's

   demographics

However, Sjoblom does not disclose a method of showing the collected audience information on

the screen of a user terminal.

Berezowski, in the same field of endeavor, teaches a method of showing the collected audience

information on the screen of a user terminal. See paragraphs 8-12

Therefore it would have been obvious to one with ordinary skill in the art at the time the

invention was made to provide the above teaching of Berezowski of displaying the audience

information on the user terminal of Sjoblom in order to guide the user in selecting media.

However, Sjoblom does not disclose a method of showing the collected audience information on

the screen of a user terminal.

Berezowski, in the same field of endeavor, teaches a method of showing the collected audience

information on the screen of a user terminal. See paragraphs 8-12

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Berezowski of displaying the audience information on the user terminal of Sjoblom in order to guide the user in selecting media.

Regarding claim 12, Sjoblom discloses a method further comprising an interactive menu shown on the screen of a user terminal for connecting the audience via an interactive connection to the media stream system. See paragraphs 57, 62

Regarding claim 15, Sjoblom discloses a method further comprising means for storing ready-made templates for the interactive menu or showing the collected information and modifying them according to the parallel information. See paragraphs 11, 16, 39-43. Here Sjoblom discloses a method wherein a set of information pre-stored in the user's terminal is displayed and later new set of information is sent to the user based on the information of the user such as

Regarding claim 16, Sjoblom discloses a method further comprising means for transmitting the templates for the visual menu or showing the collected information as parallel information. See paragraphs 57, 62

Regarding claim 17, Sjoblom discloses a method further comprising means for collecting information on active users by using an interactive menu on the screen of a user terminal comprising options to be selected and by using the parallel channel as a feedback channel for transmitting the user selections. See paragraphs 39-43 wherein the location information is

collected from the audience and sent to the server as a feedback channel so that appropriate

advertisement based on the user's location can then be sent to the user. See also paragraph 61

Regarding claim 18, Sjoblom discloses a method further comprising means for transmitting the

parallel information as a packet transmission. See paragraph 10 where GPRS is used for packet

transmission.

Regarding claim 19, Sjoblom discloses a method further comprising means for collecting

location information on the audience. See paragraphs 38 and 60

Regarding claim 20, Sjoblom discloses a method for collecting information on an audience of a

media stream broadcast by a media system characterized by:

-   receiver configured for receiving parallel information on at least one parallel channel

    which parallel information is associated and synchronized with the media stream of at

    least one broadcast channel of the broadcast system, the broadcast system being a part of

    the media system; see paragraphs 9,23 paragraph 90, lines 1-6

-   controller block configured for connecting the audience to the media system as passive

    users or active users, the active users receiving the parallel information and the passive

    users not receiving the parallel information; see paragraphs 79, 89, 90 where the active

    users are the users who are participating in the interactive television and only those that

    are registers as users participating in interactive television receive the parallel

    information from the information server.

- processor configured for changing a parallel information reception state according to the user's selections; see paragraphs 38-43 and paragraph 61

- transmitter configured for transmitting selections made by active users for collecting information on the audience connected to the media system; see paragraphs 38-43 and paragraph 61

However, Sjoblom does not disclose a method of showing the collected audience information on the screen of a user terminal.

Berezowski, in the same field of endeavor, teaches a method of showing the collected audience information on the screen of a user terminal. See paragraphs 8-12

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Berezowski of displaying the audience information on the user terminal of Sjoblom in order to guide the user in selecting media.

Regarding claim 21, Sjoblom discloses a method further comprising means for the audience to have an interactive connection to the media stream system via an interactive menu. See paragraphs 57, 62

Regarding claim 22, Sjoblom discloses a method further comprising means for active users to make their selections by using a visual menu on the screen of a user terminal comprising options to be selected. See paragraphs 39-43 wherein the location information is collected from the audience and sent to the server as a feedback channel.

Regarding claim 23, Sjoblom discloses a method further comprising means for transmitting and

receiving parallel information as a packet transmission. See paragraph 10 where GPRS is used

for packet transmission.

Regarding claim 24, Sjoblom discloses a method further comprising means for collecting

information on active users by using an interactive menu on the screen of a user terminal

comprising options to be selected and by using the parallel channel for transmitting the user

selections. See paragraphs 39-43 wherein the location information is collected from the audience

and sent to the server as a feedback channel so that appropriate advertisement based on the user's

location can then be sent to the user. See also paragraph 61

Regarding claim 25, Sjoblom discloses a method for collecting information on an audience of a

broadcast media stream, the method comprising:

- connecting a radio telecommunication system and a broadcast system to perform a media

  system, broadcasting a media stream on at least one broadcast channel of the broadcast

  system; See Fig. 1 where the broadcast system 1 is connected to the radio

  telecommunication system 7-9 and paragraphs 7-9 see paragraphs 8,54,87-89

- transmitting parallel information on at least one parallel channel which parallel

  information is associated and synchronized with the media stream of at least one

  broadcast channel; see paragraphs 9,23 paragraph 90, lines 1-6

- connecting the audience to the media system as passive users or active users, the active
  users receiving the parallel information and the passive users not receiving the parallel
  information; see paragraphs 79, 89, 90 where the active users are the users who are
  participating in the interactive television and only those that are registers as users
  participating in interactive television receive the parallel information from the
  information server.

- collecting information on the audience connected to the media system, the information
  being on active users or passive users; see paragraphs 27,28,30,38,41,46,60

- processing the collected information in a predetermined way. see paragraphs 28, 42,47,60
  where the profile of the audience that is collected is processed in a way that the
  information server sends information specific to the user's location and/or user's
  demographics

However, Sjoblom does not disclose a method of showing the collected audience information on
the screen of a user terminal.

Berezowski, in the same field of endeavor, teaches a method of showing the collected audience
information on the screen of a user terminal. See paragraphs 8-12

Therefore it would have been obvious to one with ordinary skill in the art at the time the
invention was made to provide the above teaching of Berezowski of displaying the audience
information on the user terminal of Sjoblom in order to guide the user in selecting media.

Regarding claim 27, Sjoblom discloses a method for collecting information on the audience of a
broadcast media stream, the media system comprising:

- broadcast system configured for broadcasting a media stream on at least one broadcast
  channel of the broadcast system, the broadcast system being part of the media system.
  See Fig. 1 where the broadcast system 1 is connected to the radio telecommunication
  system 7-9 and paragraphs 7-9 see paragraphs 8,54,87-89

- radio telecommunication system configured for transmitting parallel information on at
  least one parallel channel which parallel information is associated and synchronized with
  the media stream of at least one broadcasting channel using a radio telecommunication
  system of the media system; see paragraphs 9,23 paragraph 90, lines 1-6

- radio telecommunication system configured for connecting the audience to the media
  system as passive users or active users, the active users receiving the parallel information
  and the passive users not receiving the parallel information; see paragraphs 79, 89, 90
  where the active users are the users who are participating in the interactive television and
  only those that are registers as users participating in interactive television receive the
  parallel information from the information server.

- Server configured for collecting information on the audience connected to the media
  system, the information relating to active users or passive users; see paragraphs
  27,28,30,38,41,46,60

- Server configured for processing the collected information in a predetermined way. see
  paragraphs 28, 42,47,60 where the profile of the audience that is collected is processed in

a way that the information server sends information specific to the user's location and/or

user's demographics

However, Sjoblom does not disclose a method of showing the collected audience information on

the screen of a user terminal.

Berezowski, in the same field of endeavor, teaches a method of showing the collected audience

information on the screen of a user terminal. See paragraphs 8-12

Therefore it would have been obvious to one with ordinary skill in the art at the time the

invention was made to provide the above teaching of Berezowski of displaying the audience

information on the user terminal of Sjoblom in order to guide the user in selecting media.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 3,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sjoblom [US

2004/0049779] and Berezowski [US 2002/0056087] in view of Smith [US 2003/0006911].

Regarding claim 3, Sjoblom and Berezowski disclose all the limitations as claimed. However

they do not disclose a method of collecting the information on the audience in a memory.

Smith, in he same field of endeavor, teaches a method of collecting the information on the

audience in a memory. See paragraph 120 where the client profile is stored in the database for

later retrieval.

Therefore it would have been obvious to one with ordinary skill in the art at the time the

invention was made to provide the teachings of Smith to modified Sjoblom in order to have the

profile of the users stored centrally in order for faster retrieval of information when required

based on the user's profile database.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Young [US 7,151,540]   Audience attention and response evaluation

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The

examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./
Primary Examiner, Art Unit 2618
Sujatha Sharma
March 27, 2008